IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2181 OF 2005

KHARGANDHI DAIRY PRODUCTS PVT. LTD. - PETITIONERS

Versus

STATE OF MAHARSHTRA & ORS. .. RESPONDENTS

Mr. Vinod Sharma for petitioner

Mr. R. M. Sawant, GP for R

CORAM: SMT. RANJANA DESAI &
A. S. OKA, JJ.
DATED:-14/11/2005

P.C.

. Heard learned counsel for the petitioner.

2. The petitioner prayed that order of purchase of 1100 MT of Skimmed Milk Powder sanctioned by respondent 1 to respondent 2 be quashed and set aside and direction be given to respondent 1 to give purchase order of 100 MT of Skimmed Milk Powder to the petitioner at rate of Rs.74.50. The petitioner’s main grievance is that his offer dated 20th June, 2005 has not been considered by respondent 1.

3. We have heard the learned counsel for the respondents also.

4. We have gone through the affidavit filed by Shri Vithal Ambaji Gaikwad, the Deputy Commissioner, Dairy Development, Government of Maharashtra. Paragraph 5 thereof reads as under:

"5. I say that after the opening of Tenders on 13.6.05, some of the tenderers, namely Vadilal Dairy Industries Ltd., Warna Sahakari Dudh Sangh Ltd., the Petitioner and the Respondent No. 2 submitted their fresh offers for purchase of Skimmed Milk Powder on 16.6.2005, 17.6.2005, 20.6.2005 and 16.6.2005 respectively. I say that except the Respondent No. 2 who had offered a higher amount of Rs.74,500/- per metric tonne, the rest of the other fresh offers were all Rs.74,400/- per Metric Tonne which was the offer of Jaywant Exports Pvt. Ltd. in the tender. I say that the fresh offers also contained the revised quantity that the offerer was ready to purchase. The fresh rate and the quantity that each offerer was interested is reproduced hereinbelow:

Sr.No.	Name of the Party	Rate/M.T.	Quantity Demanded in M.T.
1.	M/s. Vadilal Industries ltd.	74,400/-	Not Mentioned
2.	M/s. Warna Dudh Utpadak Sangh	Not Men.	11 to 150
3.	M/s. Jaywant Exports	74,400/-	1500
4.	M/s.Khargandhi Dairy Products Pvt. Ltd.	74,400/-	500
5.	M/s. CMD Dairy	74,500/-	1000 to 1200

5. It is clear from the above averment that the petitioner's offer dated 20/6/05 has been considered by the respondents and offer of respondent 2 has been accepted because respondent 2 has offered maximum rate and also demanded large quantity in 1000 to 1200 M.T.

6. In view of this we are unable to entertain this petition, hence rejected.

(SMT. RANJANA DESAI,J.)

(A. S. OKA ,J.)